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February 23, 1991

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STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
DETROIT OFFICE

Mrs Mary Siehl
MERC Coordinator
Bureau of Employment Relations
State of Michigan Plaza Bldg.
14th Floor 1200 Sixth Ave.
Detroit, Mi 48226

Re: County of Berrien Probate Court,
and
Michigan AFSCME Council #25:
MERC Fact Finding Case No G89-K 0747

LABOR AND INDUSTRIAL
RELATIONS COLLECTION
Michigan State University

FACT FINDERS FINAL REPORT

Dear Mrs. Siehl:

I am delighted to submit the final report to you and to the parties involved. In our first formal fact finding hearing in Berrien County Court House, St. Joseph, Michigan, at 10 AM December 19, 1990, the parties reached a stipulated Fact Finding Agreement which was entered into the record by a MERC appointed Court Reporter. See copy of transcript attached.

The language in the transcript provides an outline of the sequence of events which took place during and following the pre-trial conference. These efforts culminated in a tentative agreement which was reached during the first formal fact finding hearing on 12/19/90, with the fact finder acting as mediator, at the request of the parties.

I am pleased to advise that the union membership ratified the new two year agreement on or about 2/8/91. The County Board approved the agreement in their meeting on 2/21/91. This brings this case to a successful conclusion.

By copy of this report I wish to express sincere appreciation to his honor Chief Probate Judge Franklin F. Meed, Mr. Gaylen McDonald of AFSCME and their respective bargaining teams. They all made responsible and difficult decisions.

I thank you and MERC for providing this interesting opportunity.

Sincerely,

Carl D. Kerekes

Carl D. Kerekes, Fact Finder

CDK/iw

cc: Mrs. Shelly Smith
Mr. Gaylen McDonald
MERC Attachment - Transcript of hearing

Berrien County Probate Court

STATE OF MICHIGAN
DEPARTMENT OF LABOR

FINAL COPY 1
CIRCULATED TO
PARTIES BY
KATRINA -
CT-REPORTER
1-19-91
TO COURT
FI AFSCME
TO MERC.

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:
AFSCME LOCAL 2757 :
DIRECTORS, ASSISTANT DIRECTORS, :
AND SUPERVISORS :
MERC CASE NO. G89 K-0747 :
:
- - - - - X

Hearing held in the above-entitled matter, taken
on the 19th day of December, 1990, in St. Joseph,
Michigan, before Carl Kerekes, Fact Finder.

APPEARANCES

FOR THE UNION:

GAYLEN C. MCDONALD
OFFICE COORDINATOR, COUNCIL 25
D.O. SPENCE
DIRECTOR YSB CHAPTER CHAIRPERSON-DIRECTOR'S
UNIT
WAYNE LIDDELL
DIRECTOR OF DETENTION SERVICES
ROBERT F. UMBENHAUR
DIRECTOR COMMUNITY PLACEMENT SERVICE

FOR THE COUNTY:

SHELLEY SMITH
LABOR RELATIONS REPRESENTATIVE
THOMAS K. BYERLEY
COUNTY CORPORATE COUNSEL
BEN KIELTON
ATTORNEY/REFEREE -- ACTING DIRECTOR OF COURT
SERVICES

LAWYER'S NOTES

[illegible]

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MR. KEREKES: This record is open in regard to MERC fact finding case number G89 K0747 at, 1:30 p.m. on December 19, 1990, at the Berrien County Courthouse at St. Joseph, Michigan.

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The case involves an impasse in contract negotiations which has existed all during the course of 1990.

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The parties met at a prehearing conference with the fact finder, Carl Kerekes, on 11-5-90.

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The parties agreed to meet together in one last attempt to secure a new agreement prior to opening a formal fact finding hearing.

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The parties met several times after November 5 and achieved agreement, in principal, on all of the unresolved issues, with the exception of wages and length of new agreement.

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A formal fact finding hearing was convened at St. Joseph, Michigan, on 12-19-90 with the following representatives in attendance:

21

FOR THE UNION:

22

23

GAYLEN C. MCDONALD, OFFICE COORDINATOR,
COUNCIL 25

24

25

D.O. SPENCE, DIRECTOR, Y.S.B, CHAPTER
CHAIRPERSON, DIRECTOR'S UNIT

1 WAYNE LIDDELL, DIRECTOR OF DETENTION
2 SERVICES

3 ROBERT F. UMBENHAUR, DIRECTOR OF COMMUNITY
4 PLACEMENT SERVICE

5 FOR THE COUNTY:

6 SHELLEY SMITH, LABOR RELATIONS
7 REPRESENTATIVE

8 THOMAS K. BYERLEY, COUNTY CORPORATE
9 COUNSEL

10 BEN KIELTON, ATTORNEY/REFEREE, ACTING
11 DIRECTOR OF COURT SERVICES

12 On the 19th of December, 1990, the
13 parties, with the fact finder acting as a mediator,
14 continued to negotiate the issue of wages and length of
15 contract and reached substantial agreement.

16 That agreement is reproduced for the
17 record as follows:

18 - - -

19 PROBATE COURT'S PROPOSAL

20 AFSCME SUPERVISORS

21 DECEMBER 19, 1990

- 22 1. LIFE INSURANCE: Increase life insurance to \$25,000
23 from \$20,000.
- 24 2. PENSION: Increase the multiplier to 2.0%
25 reducing to 1.7% upon receipt of full social

1 security benefits. Add "pop-up" provision which
2 "pop ups" the employee to the higher straight life
3 benefit amount if the employee has chosen a
4 survivor option and if the employee's spouse dies
5 before the former employer.

6 3. OVERTIME FOR JUVENILE CENTER WORKERS: The Court
7 will formalize the policy which provides that
8 Juvenile Center employees who are authorized to
9 work in excess of 40 hours per week will receive
10 straight comp. time for all hours worked in excess
11 of 40 hours. This comp. time must be used within
12 thirty days from the date earned.

13 4. VACATIONS: For new employees only, vacation cap
14 of 225 hours established, and vacation earned by
15 the following schedule:

16 1 - 4 years 2 weeks

17 5 - 14 years 3 weeks

18 15 - 19 years 4 weeks

19 20+ years 5 weeks

20 For those employees actively employed on
21 January 1, 1991, accrual remains at 4 weeks per year.
22 A vacation cap will be established as follows:

23 All current employees with less than 225
24 hours of unused vacation time shall have a maximum cap
25 of 225 hours.

1 All current employees with more than 225
2 hours of unused vacation time as of December 1, 1990,
3 shall have an individual vacation cap equal to the
4 unused vacation hours that employee had on December 1,
5 1990. That cap may be maintained by the employee as
6 long as he/she is employed by Probate Court.

7 5. ARBITRATION: The Court will prepare language to
8 allow for non-binding (advisory) arbitration for
9 all issues which currently are not arbitrable.
10 Regular arbitration (binding) still allowable for
11 all discharge and suspension actions.

12 6. WAGES: Increase wages 4% over 1989 salary,
13 effective December 1, 1990. In addition, all
14 employees of this unit working on the date of
15 ratification of the contract by both parties shall
16 receive a \$500 signing bonus.

17 Effective March 9, 1991, the salary
18 schedule (including the 5% steps) will be
19 increased by 4% for all employees of this
20 unit.

21 7. DURATION: Contract expires December 31, 1991.

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23 That agreement was confirmed in a written
24 counterproposal which was reviewed by the parties and
25 initialed by the parties.

1 The parties have requested this fact
2 finding record to be a stipulated agreement showing
3 agreement between Council 25, Local 2757 of AFSCME and
4 Chief Probate Judge Stuart F. Meek, Jr., of Berrien
5 County, with Mr. Gaylen McDonald signing for AFSCME.

6 This meeting is closed with the fact
7 finder and both parties stipulating that all parties
8 are in substantial agreement with respect to all
9 matters contained in the new tentative agreement.

10 The Union and the County pledge to work
11 out exact language of the new contract, which will be
12 submitted to the membership for ratification.

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14 (Proceeding concluded at 2:12)

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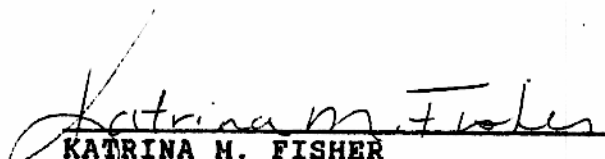
CERTIFICATE

STATE OF MICHIGAN)
) ss
COUNTY OF KENT)

I, KATRINA M. FISHER, Certified Shorthand Reporter and Notary Public, do hereby certify that the foregoing proceeding was taken before me at the time and place hereinbefore set forth.

I FURTHER CERTIFY that this proceeding was taken in shorthand and thereafter transcribed by me, and that it is a true and accurate transcript of my original shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of January, 1991, at Grand Rapids, Michigan.



KATRINA M. FISHER
Certified Shorthand Reporter
Notary Public, Kent County, Michigan
My Commission Expires: 6-7-93